U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
OCT 28 2016
CLERK, U.S. DISTRICT COURT
by ________
Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

MARK STUTHEIT (01)

No. 4:16-CR-228-A

INDICTMENT: Count One: Receipt of a Visual Depiction of a Minor Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252(a)(2)
Forfeiture Notice

PLEA: Guilty plea to Count One of the Indictment

PENALTIES:

The penalties the Court can impose as to Count One are as follows:

- term of imprisonment not less than five (5) years and not more than twenty (20) years;
- a fine not to exceed $ 250,000.00, or twice any pecuniary gain to the defendant or loss to the victim(s);
- a term of supervised release of at least five (5) years up to any term of years to life, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates any condition of the term of supervised release, the Court may revoke such release term and require that the defendant serve an additional period of confinement;
- mandatory special assessment of $100.00;
- an additional mandatory special assessment of $5000 must also be imposed pursuant to 18 U.S.C. § 3014 for offenses occurring on or after May 29, 2015, unless the Court finds the defendant to be indigent;
- restitution to victims or to the community, which may be mandatory under the law;
- forfeiture; and
- costs of incarceration and supervision.

ELEMENTS OF THE OFFENSE:

In order to establish the offense alleged in Count One of the Indictment, the Government must prove the following elements beyond a reasonable doubt:

First: That on or about June 18, 2016, the defendant did knowingly receive a visual depiction, as alleged in the Indictment, using any means or facility of interstate or foreign commerce

Second: That the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

Third: that such visual depiction was of a minor engaged in sexually explicit conduct; and

Fourth: That the defendant knew that such visual depiction was of sexually explicit conduct and that at least one of the persons engaged in sexually explicit conduct in such visual depiction was a minor.

STIPULATION OF FACTS:

1. On or about June 18, 2016, in the Fort Worth Division of the Northern District of Texas, defendant Mark Stutheit knowingly received any visual depiction using any means and facility of interstate and foreign commerce, knowing the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct. Specifically, Stutheit used the Internet to receive the following visual depiction of a minor engaged in sexually explicit conduct as defined in 18 U.S.C. § 2256:

File name	File description
022_121299672977.jpg	Visual depiction of a nude prepubescent minor female lying supine on a couch. The minor is using her hands to spread her genitals apart while she digitally penetrates her vagina. The focus of the image is on the minor's genitals.

2. On or about June 18, 2016, Stutheit used the Internet to receive the visual depiction of a prepubescent minor engaged in sexually explicit conduct, as described in paragraph one.

3. Thereafter, on or about June 23, 2016, Homeland Security Investigations agents served a search warrant on Stutheit's home in Saginaw, Texas. During the search, agents seized one Compaq laptop, serial number 2CE931F, and one Samsung Tablet, serial number R52G11LYF7F.

4. Stutheit was interviewed that same date and admitted that he had received child pornography in attachments to emails and that he would download the material and save it to his Dropbox account. Subsequently, agents confirmed that the charged image was located in Stutheit's Dropbox account.

5. HSI agents observed the charged visual depiction on Stutheit's Samsung Tablet during the interview of Stutheit; a subsequent digital forensic review revealed that the Compaq laptop also contained the same visual depiction of the minor engaged in sexually explicit conduct received by Stutheit and described in paragraph one.

6. Stutheit knew that the image he received through the Internet depicted a real minor engaged in sexually explicit conduct. Stutheit stipulates that he received the image described in paragraph one through the Internet, a means and facility of interstate and foreign commerce.

7. Stutheit also agrees that he used both the Compaq laptop, serial number 2CE931F, and the Samsung Tablet, serial number R52G11LYF7F, to facilitate the commission of the charged offense and to view and access the child pornography image.

SIGNED and AGREED to on this the 13 day of Oct., 2016.

Mark C Stutheit
MARK STUTHEIT
Defendant

SAMUEL TERRY
Attorney for Defendant

I have been advised, and understand, that under the Sex Offender Registration and Notification Act, a federal law, I must register and keep the registration current in each of the following jurisdictions: where I reside; where I am an employee; and where I am a student. I understand that the requirements for registration include providing my name, my residence address, and the names and addresses of any places where I am or will be an employee or a student, among other information. I further understand that the requirement to keep the registration current includes informing at least one jurisdiction in which I reside, am an employee, or am a student not later than three business days after any change of my name, residence, employment, or student status. I have been advised, and understand, that failure to comply with these obligations subjects me to prosecution for failure to register under federal law, 18 U.S.C. Section 2250, which is punishable by a fine or imprisonment or both.

Mark Stutheit — 10/13/16

MARK STUTHEIT — Date

Defendant

I am the defendant's counsel. I have carefully reviewed every part of this Factual Resume with the defendant, including the notice that he is required to register as a sex offender. To my knowledge and belief, my client's decision to enter into this Factual Resume is an informed and voluntary one.

10/13/16

SAMUEL TERRY — Date

Attorney for Defendant